

Senate File 2186 - Introduced

SENATE FILE 2186
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3127)

A BILL FOR

1 An Act modifying the criminal penalties for a controlled
2 substance that contains cocaine base, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (3), Code 2016, is amended to read as follows:

3 (3) More than ~~fifty~~ one hundred twenty-five grams of a
4 mixture or substance described in subparagraph (2) which
5 contains cocaine base.

6 Sec. 2. Section 124.401, subsection 1, paragraph b,
7 subparagraph (3), Code 2016, is amended to read as follows:

8 (3) More than ~~ten~~ thirty-five grams but not more than
9 ~~fifty~~ one hundred twenty-five grams of a mixture or substance
10 described in subparagraph (2) which contains cocaine base.

11 Sec. 3. Section 124.401, subsection 1, paragraph c,
12 subparagraph (3), Code 2016, is amended to read as follows:

13 (3) ~~Ten~~ Thirty-five grams or less of a mixture or substance
14 described in subparagraph (2) which contains cocaine base.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill modifies the criminal penalties for a controlled
19 substance that contains cocaine base.

20 The bill increases the amounts of controlled substances
21 containing cocaine base (crack cocaine) that determine the
22 criminal penalty for certain offenses. Under the bill, if a
23 person unlawfully manufactures, delivers, or possesses with the
24 intent to deliver a controlled substance containing cocaine
25 base, or unlawfully acts with, enters into a common scheme
26 or design with, or conspires with one or more persons to
27 manufacture, deliver, or possess such a controlled substance,
28 the person commits the following offenses: a class "B" felony
29 punishable by confinement of no more than 50 years and a
30 fine of not more than \$1 million if the controlled substance
31 containing cocaine base is more than 125 grams rather than the
32 current 50 grams; a class "B" felony punishable by confinement
33 of no more than 25 years and a fine of not less than \$5,000 but
34 not more than \$100,000 if the controlled substance is more than
35 35 grams but not more than 125 grams rather than the current 10

1 to 50 grams; or a class "C" felony punishable by a fine of not
2 less than \$1,000 but not more than \$50,000 if the controlled
3 substance containing cocaine base is 35 grams or less rather
4 than the current 10 grams or less.